

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HB 437
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES
by
Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Wednesday, February 27, 2019; 11:00 AM
State Capitol, Conference Room 308

Good morning Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of House Bill 437 with proposed housekeeping amendment. House Bill 437 amends section 351-31 and 351-33, Hawai'i Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence. In addition, House Bill 437 provides that compensation for victims has priority over compensation for witnesses.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. No State general funds have been appropriated for victim compensation since FY 2003, and the Commission is now funded solely from non-tax revenue and matching federal funds.

One of the most significant ways the Commission is able to mitigate the impact of violent crime is by providing compensation for mental health counseling services. Unfortunately, some individuals who are severely impacted by violent crime are not eligible for compensation for mental health services. These include surviving family members in cases involving murder, manslaughter, and negligent homicide and children who witness domestic violence. Mental

health services will help them heal, and, in the case of children who witness domestic violence, help to reduce the cycle of violence.

Mental Health Counseling for Surviving Family Members

Surviving family members are profoundly impacted by the violent circumstances under which their loved one died. Often, they recall only the painful and violent details of their loved one's death, instead of remembering the victim in life. Mental health counseling will help them move past their trauma.

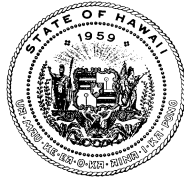
Mental Health Counseling for Children who Witness Domestic Violence

Witnessing domestic violence has a negative impact on children. Mental health counseling for children who witness domestic violence is necessary to help them understand and heal from the trauma of what they witness and is vital to ensure their normal development. On December 12, 2012, the U.S. Department of Justice released Defending Childhood: Protect Heal Thrive, a report of the Attorney General's National Task Force on Children Exposed to Violence. (The report is posted on line at <https://www.justice.gov/defendingchildhood/task-force-children-exposed-violence>) In the report, the Task Force identified witnessing domestic violence as putting "children at high risk for severe and potentially lifelong problems with physical health, mental health, and school and peer relationships as well as for disruptive behavior." Defending Childhood: Protect Heal Thrive at 1. The report found that services such as mental health counseling was necessary for the treatment and healing of child witnesses. A similar conclusion was reached in the study released by the Hawai'i State Department of the Attorney General Domestic Violence in Hawaii: Impact on Mothers and Their Children, (October 2000). (The report is posted on-line at <http://ag.hawaii.gov/cpja/files/2013/01/DV-in-HI-Impact-2000.pdf>) This study found over half of the children who witnessed domestic violence against their mothers suffered symptoms of posttraumatic stress disorder.

Proposed Housekeeping Amendment

As a housekeeping amendment, we propose that on page 3, lines 8-9, and on page 4, lines 15-16, the domestic violence crime specified as "abuse of family **and** household member (section 709-906)..." be changed to "abuse of family **or** household members under section 709-906" (emphasis added) to appropriately reflect the title of the offense and for consistency in the Hawai'i Revised Statutes in referencing the statutory section.

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 437 with proposed amendment.



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of HB0437
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date and Time: Wednesday, February 27, 2019 at 11:00 a.m. Room: 308

1 **Fiscal Implications:** Undetermined.

2 **Department Testimony:** The Department of Health (DOH) recognizes that trauma and the
3 reactions to significant loss and abuse have long lasting effects in the lives of individuals who
4 have been victimized. The DOH supports this measure.

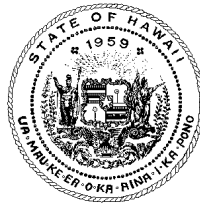
5 The purpose of this bill is to authorize crime victim compensation for mental health
6 services for survivors in cases involving a death and for children who witness domestic violence,
7 through the adding of these two categories to the statute of the victim compensation fund.

8 Recovery from traumatic loss and the trauma of abuse or witnessing domestic violence
9 can be alleviated through interventions effectively implemented after the trauma. These
10 interventions, including mental health services and supports, can help to reduce the longer term
11 problematic consequences of trauma and restore the individual to improved functioning sooner.
12 Effective interventions after trauma can help to reduce the long-term human, social, and health
13 care impact of trauma.

14 Thank you for the opportunity to testify on this measure.

15 **Offered Amendments:** None.

DAVID Y. IGE
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STATE OF HAWAII
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Law Enforcement

No. _____

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL 437
RELATING TO CRIME VICTIM COMPENSATION FOR
MENTAL HEALTH SERVICES.

by

Nolan P. Espinda, Director
Department of Public Safety

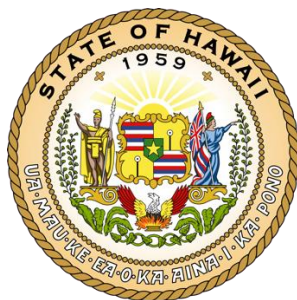
House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Wednesday, February 27, 2019; 11:00 a.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill (HB) 437, which would authorize crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. PSD agrees with the expansion of compensation for these purposes to enable victim survivors and child witnesses to receive services to help address the trauma they have suffered

Thank you for the opportunity to present this testimony.



‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on Finance

In Support of HB437
Wednesday, February 27, 2019, at 11:00 a.m. in Room 308

Dear Chair Luke, Vice Chair Cullen, and Honorable Members,

The Hawai‘i State Commission on the Status of Women **supports** HB437, which would authorize crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. As a member of the state’s JRI Victim Services Workgroup and Victims of Crime Assistance Advisory Committee, the Commission supports the effort to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Every jurisdiction in the United States provides money to compensate victims and witnesses of crime, including family members of victims. Research by the Hawai‘i State Department of the Attorney General *Domestic Violence in Hawaii: Impact on Mothers and Their Children*, suggests that half of the children who witnessed domestic violence against their mothers exhibit symptoms of PTSD. This proposal would assist children affected by domestic violence to recover psychologically and emotionally. Accordingly, the Commission asks that the Committee pass HB437.

Mahalo,

Khara

Department of the Prosecuting Attorney
City and County of Honolulu

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**THE HONORABLE SYLVIA LUKE, CHAIR
THE HONORABLE TY J.K. CULLEN, VICE CHAIR
HOUSE COMMITTEE ON FINANCE
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii**

January 31, 2019

**RE: HOUSE BILL 437, RELATING TO CRIME VICTIM COMPENSATION FOR
MENTAL HEALTH SERVICES**

HEARING: Wednesday, February 27, 2019, 11:00 A.M., Conference Room 308

Good afternoon Chair Luke, Vice Chair San Cullen and members of the House Finance Committee, the Department of Prosecuting Attorney provides the following testimony **in support of H.B. 437**, which proposes to amend *H.R.S. Section 351-31 (a)* to permit payment of crime victims compensation for the purpose of providing mental health services for the surviving relatives of deceased crime victims, as well as children who are direct and immediate witnesses of Abuse of a Family or Household Member under H.R.S. 709-906.

A significant gap in the current provisions of Hawaii's Crime Victims Compensation statute is the lack of coverage for the families of victims of crimes resulting in the death of the victim. Of particular concern is the inability to provide compensation to cover counseling expenses even when a relative has witnessed the events that lead to the victim's death. The psychological trauma of losing a family member due to a violent death is undeniable. All too many of our state's residents who have undergone the tragic and agonizing experience of losing a family member in this manner have either had to forego counseling services or become further impoverished by the added expense of these services (on top of catastrophic medical and funeral and burial expenses for their loved one). Although some surviving family members are fortunate enough to have insurance benefits to cover such expenses, many are among our state's ranks of the working poor and lack such coverage. Even projects such as the federally funded M.A.D.D. Victim Services Program are limited in duration and are currently only available on O'ahu. As noted earlier, the most tragic cases are those that involve a homicide or negligent homicide that is witnessed by a family member, especially a child. A case such as this occurred on the Big

Island involving the murder of John McDonald and the attempted murder of his wife in front of their grandson. In a similar incident here on O'ahu Cecelia Fiesta was brutally stabbed to death in front of her 10 year old daughter. Hawaii is fortunate to not have this type of case occur frequently, as is the case in many mainland U.S. cities, however when it does happen the effects on the family are dramatic and far reaching.

The provisions of H.B. 437 are narrowly drawn so that only the surviving relatives of victims of cases involving a death, or those who are children who witness Abuse of a Family or Household Member, would be eligible for counseling benefits. While expanding the existing coverage of H.R.S. Chapter 351, the proposed limitations of the bill are practically drawn to insure a fiscal impact that is not unreasonable.

For all of the above reasons we strongly urge your support for H.B. 437. Thank you for your time and consideration.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy

Amul Esaki First Deputy



Rebecca Vogt Like
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

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808-241-1888 ~ FAX 808-241-1758
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**TESTIMONY IN STRONG SUPPORT OF HB 437
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES**

Justin F. Kollar, Prosecuting Attorney
Diana Gausepohl-White, Victim/Witness Program Director
County of Kaua'i

House Committee on Finance
February 27, 2019, 11:00 a.m., Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

We have first-hand knowledge of the invaluable and tangible assistance provided by the Crime Victim Compensation Commission to crime victims.

Surviving family members of murder/negligent homicide victims and children subjected to witnessing domestic violence are extremely vulnerable populations. They often face an array of mental health challenges and yet are currently unable to seek compensation for counseling services.

Accordingly, we are in STRONG SUPPORT of HB 437. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.



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Date: February 27, 2019

To: The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
House Committee on Finance

From: Justin Murakami, Manager, Prevention Education and Public Policy
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of H.B. 437
Relating to Crime Victim Compensation for Mental Health Services

Good morning Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 437.

Violent crimes often cause deep and lasting harm to secondary victims in their wake. Secondary victims experience harm as a result of their relationship with the primary victim who was the direct focus of the violent crime, such as the child of a domestic violence victim who witnesses the crime, or the family of a murder victim.

The psychological impact experienced by children on witnessing domestic violence in their families, and the consequences of that trauma, are well established. Each year, an estimated 3 to 5 million American children witness domestic violence in their families. Such children can display similar effects as the primary victim of domestic violence, including anxiety, depression, psychosomatic complaints (e.g. headaches and stomachaches), manifesting violent behavior themselves, poor school performance, difficulty in relationships with others, and substance abuse disorders.

Similarly, the violent, unexpected death of a family member is, as noted by the federal Department of Justice's Office for Victims of Crime, one of the most traumatic experiences a person can face. Survivors of homicide victims are at risk for developing post-traumatic stress disorder, as well as extreme anxiety, fear, and sadness, with nightmares and intrusive thoughts remaining constant for weeks or months. Additional stressors can further contribute to psychological strain, including financial issues that result from the homicide, participation in the investigation and criminal justice process, and news media coverage of the homicide.

Mental and behavioral health interventions, such as supportive counseling and therapy, are helpful in managing the overwhelming emotions encountered by secondary victims of crime. Unfortunately, Hawai'i's victim compensation statute

does not currently authorize the use of Crime Victim Compensation Commission (CVCC) program funds for mental health counseling services for survivors of homicide victims or children who witness domestic violence in their families. This fails to recognize these people, whose lives have been indelibly affected by violent crimes, as legitimate victims despite the very real suffering they experience, and creates a barrier to accessing necessary mental health services.

H.B. 437 corrects this issue by authorizing the use of CVCC program funds for the coverage of mental health services that these victims of violent crimes need and deserve.

TESTIMONY IN SUPPORT OF HB 437

TO: House Committee on Finance

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: February 27, 2019 (11:00 AM)

Chair Luke, Vice-Chair Cullen, and Members of the Committee:

Hawai'i Health & Harm Reduction Center (HHHRC) **supports** HB 437, which authorizes crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence.

HHHRC works with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions.

We broadly support increased access to mental health treatment regardless of income or insurance status. Children who have witnessed domestic violence and those who have experienced the death of a loved one will benefit from professional mental health screening and treatment. [Children who have not adequately processed trauma from adverse childhood experiences with a health professional may experience negative long-term impacts on their health and well-being](#), including chronic disease, substance use, depression, suicide attempts, criminal justice system involvement, and a shortened lifespan.

Thank you for the opportunity to testify on this measure.



Hawai'i Psychological Association

For a Healthy Hawai'i

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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

Testimony in SUPPORT of HB437

Wednesday February 27, 2019, 11:00AM, Room 303

The Hawai'i Psychological Association (HPA) supports HB437, which is intended to amend the existing statute to provide compensation funding (including for mental health services) for (1) surviving relatives of a deceased victim, and (2) child witnesses of abuse of family/household member, in cases of crimes of commission or omission, or acts of terrorism, involving injuries and/or fatalities.

We urge you to support HB437.

Respectfully submitted,

Julie Takishima-Lacasa, PhD
Chair, HPA Legislative Action Committee



TO: Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: February 27, 2019; 11:00 a.m., Conference Room 308

**RE: TESTIMONY IN STRONG SUPPORT OF HB 437– RELATING TO CRIME VICTIM
COMPENSATION FOR MENTAL HEALTH SERVICES**

We urge you to support HB 437 which authorizes crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. We strongly support this bill that allows the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence. In addition, this bill provides that compensation for victims has priority over compensation for witnesses.

It is important that funding not be a barrier for access to necessary treatment. We commend the Commission for seeking to add mental health and counseling services, which can greatly help to mitigate the trauma and long-term effects that victims and witnesses can suffer from. Surviving family members are deeply impacted by violent deaths as are children who witness violence in their homes and face numerous risk factors and challenges in their journey to healing. With compensation for mental health counseling services, these surviving family members and child witnesses have additional supports and resources to aid them in moving towards healthy and hope-filled futures.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **strong support of HB 437**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

Helping Hawai'i Live Well

To: Representative Sylvia Luke, Chair, Representative Ty Cullen, Vice Chair, Members, House Committee on Finance

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF HB 437 Relating to Crime Victim Compensation for Mental Health Services

Hearing: February 27, 2019, 11:00 am, CR 308

Thank you for allowing us to provide testimony in support of HB 437 which amends section 351-31 and 351-33, Hawaii Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 77 years ago, that serves the community by promoting mental health through advocacy, education and service. This bill supports mental health by allowing access to mental health treatment after a significant trauma.

The occurrence of trauma can have serious consequences to the mental health of survivors and untreated, can lead to social, employment, and other health problems. Research has shown that witnessing domestic violence is an Adverse Childhood Experience that also has negative health and social impacts on children. It is important that survivors of these circumstances receive mental health treatment to process the trauma and help them experience the grief and other difficult emotions necessary for them to thrive in the future. We are happy to hear that the Commission seeks this change so that they can help address trauma. For financial limitations to be the barrier to receiving treatment compounds the tragedy experienced by these survivors.

Thank you for the opportunity to testify in support of HB 437. We ask that you help pass this bill to help the Commission best serve their constituents. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



O`ahu County Committee on Legislative Priorities

COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

DATE: Tuesday, February 27, 2019

TIME: 11:00 p.m.

PLACE: Conference Room 308, State Capitol

RE: HB 437, Relating to Crime Victim Compensation for Mental Health Services

To the Honorable Sylvia Luke, Chair; the Honorable Ty J.K. Cullen, Vice Chair; and Members of the Committee on Finance:

I am Melodie Aduja, Chair of the O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i ("DPH"). Mahalo for this opportunity to submit testimony on HB 437. The O`ahu County Committee on Legislative Priorities ("OCCLP") hereby submits its testimony in **SUPPORT of HD 437, Relating to Crime Victim Compensation for Mental Health Services.**

HB 437 provides that the commission, in its discretion, upon an application, may order the payment of compensation in accordance with chapter 351. In the case of a death of the victim, for mental health services to or for the benefit of the surviving relatives of a deceased victim; provided that compensation on behalf of a deceased victim shall have priority over compensation to a surviving relative; or in the case of a crime of abuse of family and household member (section 709-906), for mental health services to or for the benefit of a child witness; provided that compensation to a victim shall have priority over compensation to a witness under this paragraph." Compensable expenses include expenses actually and reasonably incurred for mental health services to or for the benefit of the surviving relatives in the case of a deceased victim; and expenses actually and reasonably incurred for mental health services for a child witness in the case of a crime of abuse of family and household member (section 709-906).

DPH is committed to ending the scourge of violence against women [and children] - wherever it occurs - whether in our homes, streets, schools, military, workplace, or elsewhere. DPH will support comprehensive services [including mental health services] for survivors and

increase prevention efforts in our communities and on our school campuses. DPH will fight to bring an end to sexual assault – wherever it occurs, including on campuses – because everyone deserves a safe environment where they can learn and thrive, not live in fear. We will provide comprehensive support to survivors and ensure a fair process of all . . . in the criminal justice system. We will increase violence prevention education programs that cover issues like consent and bystander intervention . . . *Democratic Party of Hawai'i Platform (2018), p. 15, ln. 21-28.*

For the foregoing reasons, i.e., to end the scourge of violence against women [and children]- wherever it occurs – whether in our homes, streets, schools, military, workplace, or elsewhere and to support comprehensive services [including mental health services] for survivors, OCCLP supports HB 437 and urges its passage out of the Committee on Finance.

Mahalo nui loa
Me ka `oia`i`o

/s/ *Melodie Aduja*

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i

Ph. (808) 258-8889

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